IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 6635 of 2007(M)

PETITIONER:

P.C.RAMACHANDRAN NAIR,
DEPUTY SUPERINTENDENT OF POLICE,
DISTRICT CRIME RECORDS BUREAU,
KOLLAM.

BY ADV. SRI.R.RAJASEKHARAN PILLAI
SRI.M.S.NISHAD

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE PRINCIPAL SECRETARY, HOME DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE, KERALA, THIRUVANANTHAPURAM.

3. P.H.ASHARAF,ASSISTANT COMMISSIONER, COCHIN CITY.

4. V.C.MOHANAN, ASSISTANT COMMISSIONER, FORT, TRIVANDRUM.

5. K.AJAYAKUMAR, DY.S.P.ADMINISTRATION, RAILWAYS, TRIVANDRUM.

6. K.K.JAYAMOHANAN, DY.S.P. EXTREMISTS CELL, SBCID, PATTOM, TRIVANDRUM.

7. V.N.NANDARAJ, ASSISTANT COMMISSIONER, DISTRICT SPECIAL BRANCH, COCHIN CITY.

8. P.U.JOSEPH, DY.S.P.,VACB, ERNAKULAM.

9. M.RAJAN, VIGILANCE OFFICER, KFC, VELLAYAMBALAM, TRIVANDRUM.

10. V.CHANDRAN, DY.S.P,DISTRICT SPECIAL BRANCH, PALAKKAD.

11. K.VIJAYAN (SR) DY.S.P, ALATHOOR, PALAKKAD.

12. K.A.PUNNOSE, DY.S.P.ADMINISTRATION, KOTTAYAM.

13. THE DEPARTMENTAL PROMOTION COMMITTEE (HIGHER), KERALA POLICE SERVICE, REPRESENTED BY ITS CONVENOR, THE PRINCIPAL SECRETARY HOME DEPARTMENT, THIRUVANANTHAPURAM.

R1, R2 & R13 BY GOVERNMENT PLEADER MR.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

W.P.(C) No.6635 of 2007

Dated, this the 28th day of February, 2007

JUDGMENT

The petitioner belongs to the cadre of Deputy Superintendent of Police. He has staked a claim for appointment to the post of Superintendent of Police (non IPS). It is seriously contended before me that respondents 3 to 12 have been included in Ext.P2 select list overlooking the legitimate claim of the petitioner for promotion and one of them will have to give way to the petitioner because he ought to have been included in Ext.P2 in preference to the party respondents. At this stage I do not propose to go into the merits of the above contentions since the petitioner has brought his grievance to the notice of respondent No.13, the Principal Secretary, Home Department, Thiruvananthapuram who is the convenor of the Departmental Promotion Committee (Higher) for reconsideration of the matter. Ext.P3 was filed within the time permitted by Rule 28 (b)(i)(8)(a) of the Kerala State and Subordinate Service Rules which casts a

duty on the Departmental Promotion Committee to consider the grievance of those who are either left out from the select list or not given due places in the select list and to take appropriate decision.

2. Heard Government Pleader for respondents 1, 2 and 13. In the nature of the order I propose to pass it is not necessary to issue notice to respondents 3 to 12.

3. There shall be an order directing the Principal Secretary, Home Department, Thiruvananthapuram who is the convenor of the Departmental Promotion Committee (Higher) to consider Ext.P3 forthwith, at any rate, within three weeks from the date of receipt of a copy of this judgment and take appropriate decision and communicate the same to the petitioner. It is not necessary for this Court to state each and every ground or contention as has been urged by the petitioner since he has tried to impress upon respondent No.13 by citing various decisions of this Court as well. I have no reason to think that respondent No.13 will not decide all those contentions while taking a decision on Ext.P3.

Writ petition is disposed of as above. Petitioner shall produce a copy of the judgment and a copy of the writ petition to respondent No.13 for compliance.

K.K.DENESAN,
JUDGE

vns